

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**JOINT MOTION FOR EXTENSION OF TIME TO ANSWER  
OR OTHERWISE RESPOND TO COUNTERCLAIMS**

Plaintiff VirtaMove Corp. (“Plaintiff”) and Defendant International Business Machines Corp. (“Defendant”) hereby jointly move for a three-week extension of time for Plaintiff to answer or otherwise respond to Defendant’s counterclaims (Dkt. 115).

Plaintiff's deadline to answer or otherwise respond to Defendant's counterclaims is currently due on January 3, 2025 and, with this three-week extension, the deadline would be January 24, 2025. This motion is not being brought for the purpose of delay. This extension is necessary to ensure adequate time for Plaintiff to prepare its response to Defendant's counterclaims in view of counsels' other commitments. There have been no other extension requests related to Defendant's counterclaims.

Counsel for the parties have conferred and all parties stipulate to this extension. Accordingly, the parties request that the Court grant the motion and enter the attached proposed Order.

Dated: December 30, 2024

Respectfully submitted,

By: /s/ Daniel B. Kolko

Reza Mirzaie (CA SBN 246953)  
rmirzaie@raklaw.com  
Marc A. Fenster (CA SBN 181067)  
mfenster@raklaw.com  
Neil A. Rubin (CA SBN 250761)  
nrubin@raklaw.com  
James A. Milkey (CA SBN 281283)  
jmilkey@raklaw.com  
Amy E. Hayden (CA SBN 287026)  
ahayden@raklaw.com  
Jacob Buczko (CA SBN 269408)  
jbuczko@raklaw.com  
James Tsuei (CA SBN 285530)  
jtsuei@raklaw.com  
Christian W. Conkle (CA SBN 306374)  
cconkle@raklaw.com  
Jonathan Ma (CA SBN 312773)  
jma@raklaw.com  
Daniel B. Kolko (CA SBN 341680)  
dkolko@raklaw.com  
**RUSS AUGUST & KABAT**  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025  
Telephone: (310) 826-7474

Qi (Peter) Tong (TX SBN 24119042)  
**RUSS AUGUST & KABAT**  
4925 Greenville Ave., Suite 200  
Dallas, TX 75206  
Telephone: (310) 826-7474

*Attorneys for Plaintiff VirtaMove, Corp.*

By: /s/ Kyle Calhoun

Todd M. Friedman (*admitted pro hac vice*)  
NY State Bar No. 2939429  
**KIRKLAND & ELLIS LLP**  
601 Lexington Avenue  
New York, NY 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900  
Email: [todd.friedman@kirkland.com](mailto:todd.friedman@kirkland.com)

Brandon H. Brown  
CA State Bar No. 266347  
Kyle Calhoun (*pro hac vice pending*)  
CA State Bar No. 311181  
**KIRKLAND & ELLIS LLP**  
555 California Street  
San Francisco, CA 94104  
Telephone: (415) 439-1400  
Facsimile: (415) 439-1500  
Email: [brandon.brown@kirkland.com](mailto:brandon.brown@kirkland.com)  
Email: [kyle.calhoun@kirkland.com](mailto:kyle.calhoun@kirkland.com)

*Of Counsel:*

Andrea L. Fair  
Texas State Bar No. 24078488  
E-mail: [andrea@wsfirm.com](mailto:andrea@wsfirm.com)  
**WARD, SMITH & HILL, PLLC**  
1507 Bill Owens Parkway  
Longview, TX 75604  
(903) 757-6400 (telephone)  
(903) 757-2323 (facsimile)

*Attorneys for Defendant  
International Business Machines Corp.*

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that counsel has complied with the meet and confer requirement in Local Rule CV-7(h) and that this is a joint motion.

*/s/ Daniel B. Kolko*  
Daniel B. Kolko

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on December 30, 2024.

*/s/ Daniel B. Kolko*  
Daniel B. Kolko